



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 4, 1993

Mr. Dan Pleitz
Naman, Howell, Smith & Lee
P. O. Box 1470
Waco, Texas 76703-1470

OR93-262

Dear Mr. Pleitz:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 18614.

The City of Robinson, Texas, [the city] which your law firm represents, received an open request for several items of information. You say the city has released all of the requested information, with two exceptions. You say the city is searching for evidence of the publication of the relevant ordinances and that the city will furnish this information if it exists. With regard to two requested items, a complaint alleging violation of a city zoning ordinance by Mr. Webb and complaints alleging violation of city ordinances #113, 126, 237 and 247 by any city resident after January 1, 1990, you contend that the city must withhold the names of the complainants based on section 3(a)(1) of the Open Records Act, in conjunction with the informer's privilege.

Section 3(a)(1) of the Open Records Act excepts from required public disclosure information deemed confidential by judicial decision. This exception incorporates the informer's privilege, which is recognized by Texas courts. *See* Open Records Decision No. 549 (1990). The privilege protects the identity of persons who report violations of the law, in order to encourage the flow of information to the government. *Id.* at 5. The privilege applies to protect the identity of persons who report city ordinance violations to city officials. *See* Open Records Decision No. 279 (1981). Thus, you may withhold the names and addresses of the complainants based on the informer's privilege aspect of section 3(a)(1) of the Open Records Act. *See id.*

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/le

Ref: ID# 18614

cc: Mr. Thomas J. Blankenship
100 N. 6th Street, Suite 315
Waco, Texas 76701
(w/o enclosures)